

**Webster Zoning Board of Appeals
Meeting Minutes – September 7, 2021**

A meeting of the Webster Zoning Board of Appeals was held on September 7, 2021 in the Board of Selectmen Meeting Room of Webster Town Hall, 350 Main Street, Webster, MA.

Present: Chairman Jason Piader, Vice Chairman Dan Cournoyer, Clerk Chris Daggett, Members Mark Mason and Dan Fales.

Also Present: Ann Morgan, Director of Planning & Economic Development; Kelly Lyman, Clerk.

1. **Call to Order:** Chairman Piader called the meeting to order at 6:00 p.m.

2. **Action Items**

a. **Approval of Meeting Minutes**

Draft Meeting Minutes of July 19, 2021 - Mr. Piader asked if the Board had any edits. There were none. Motion to approve the minutes of July 21, 2021 as drafted made by Mr. Cournoyer, seconded by Mr. Mason. Motion passed unanimously 5-0 by roll call vote (Mr. Cournoyer – yes; Mr. Daggett – yes; Mr. Mason – yes; Mr. Fales – yes; Mr. Piader – yes).

3. **Public Hearing**

a. **Special Permit Application – Expansion of pre-existing, non-conforming rear yard setback to construct a new garage at 35 Hall road; Cheryl Kozub (Applicant/Owner); Assessor ID 50-A-72-9. Property is located within the Lake Residential (LR) and Lake Watershed Protection (LWP) zoning districts.**

Mr. Daggett read the public hearing notice. Mr. Piader opened the public hearing.

Cheryl Kozub, Applicant / Owner, was present to discuss the application. She noted that the proposed garage is 24' x 16', would be two stories, and would be attached to the house at the end of the existing driveway off of Hall Road. The proposed garage would accommodate a one car and storage. The second story over the garage would provide additional storage for the house which, currently, is very limited. The roof of the proposed garage will have the same pitch as the existing house.

Ms. Morgan provided an overview of the application and why the proposed expansion requires a Special Permit. The existing house is a pre-existing, non-conforming structure because it encroaches into the rear yard setback. The expansion of a pre-existing, non-conforming rear yard setback requires a Special Permit. It was noted that the existing house is setback five (5) feet from the rear property line which is a violation of the Zoning By-law which requires ten (10) feet. The lot was once part of a larger lot that had been divided into three lots in 2002 and 2008. The last division in 2008 shows the lot in the current configuration. The ANR Plan signed by the Planning Board shows the building setback lines for the new lot including a ten (10) foot setback. The current house, built in 2008, did not stay within the setback lines thereby creating the non-conformity. As such, the existing non-conformity is not pre-existing prior to zoning. It was determined, however, that one of the two factors, pre-existing non-conformity or pre-existing prior to zoning, was all that was required to satisfy the legal requirements for a Special Permit.

Mr. Piader asked about the rear yard setback for the proposed garage. Ms. Morgan noted that the Application indicates that the proposed garage would be setback from the rear lot line by six (6) feet

which is one foot shorter than the house, which is setback five (5) feet. Ms. Kozub stated that she would like to now have the proposed garage be flush with the house thereby making the garage setback the same at five (5) feet. She explained that she had originally planned to reside her house after the garage was built and sided due to her contractor's recommendation as it related to materials. Since she filed the application there has been a change in status and now her contractor is able to complete the project in one phase thereby tying in the siding evenly with the house and new garage. She asked if she could request a five (5) foot rear yard setback for the garage as opposed to the originally requested six (6) feet.

The Board reviewed information about sight lines and corner visibility. It was noted that this is a corner lot on Hall and Bates Point Roads. Ms. Morgan noted that the Town of Webster Zoning By-law does not have any provisions regarding corner lots. However, Section 650-37 - Corner Visibility states that on a corner lot no building or structure shall be erected so as to obstruct traffic visibility within space calculated by a specific formula. Staff conducted that analysis and found that the footprint of the proposed garage did not violate the requirement. The Police Department conducted a site visit and did not object to the size or location of the proposed garage.

Mr. Piader asked about how the proposed garage relates to the surrounding neighborhood. Ms. Kozub stated that the area is primarily residential with detached single family houses, almost all of which have attached garages.

Mr. Piader reviewed each criteria for granting a Special Permit, asking Ms. Kozub if she believed that the project met those criteria that were applicable to which she stated yes.

Mr. Piader asked if anyone from the public would like to speak to the application. Mr. Roger Carey, 35 Hall Road, noted that the garage would provide additional storage space for a house that currently has very little. He further noted that the garage, along with the new siding, would be a visual improvement for the neighborhood and would dress up the area. No additional comments were received. Mr. Piader asked if there were any additional comments from the public or the Board. There were none.

Motion to close the public hearing and direct staff to draft a decision made by Mr. Mason, seconded by Mr. Fales. Mr. Piader asked the Board if there was any discussion. There was none. Motion passed unanimously 5-0 (by roll call vote: Mr. Fales - yes; Mr. Mason - yes; Mr. Daggett - yes; Mr. Cournoyer - yes).

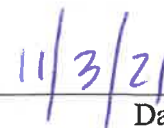
4. **Next Meeting Date:** The Board agreed to meet next on Tuesday, September 21, 2021 at 6:00 p.m. at Webster Town Hall.

5. **Adjournment**

Motion to adjourn the meeting made by Mr. Cournoyer, seconded by Mr. Fales. The motion passed unanimously 5-0 by roll call vote: Mr. Daggett - yes; Mr. Cournoyer - yes; Mr. Mason - yes; Mr. Fales - yes; Mr. Piader - yes. The meeting was adjourned at 6:32 p.m.



Chris Daggett, Clerk



Date

EXHIBITS

Public Hearing: Special Permit Application – Expansion of pre-existing, non-conforming rear yard setback to construct a new garage at 35 Hall road; Cheryl Kozub (Applicant/Owner)

- Application packet submitted and stamped by the Town Clerk on July 6, 2021; includes the following documents:
 - Certified Abutters List; dated July 1, 2021 and submitted on July 6, 2021; 3pages.
 - Form; Special Permit or Modification of Special Permit Application; dated and submitted July 6, 2021; 3 pages.
 - Plot Plan and Locus Map; Mortgage Inspection Plan; prepared by Jalbert Engineering, Inc.; dated May 10, 2021 submitted on July 6, 2021; 2 pages.
 - Project Description; submitted July 6, 2021; 1 page.
- Town of Webster Zoning Board of Appeals Public Hearing Notice; stamped by Town Clerk on July 20, 2021; 1 page.
- Correspondence; Comments submitted by the Town of Webster Police Department; dated and received July 20, 2021; 1 page.
- Correspondence; Comments submitted by the Town of Webster Fire Department; dated and received July 20, 2021; 1 page.
- Correspondence; Comments submitted by the Town of Webster Police Department; dated and received August 23, 2021; 1 page.
- Memorandum from Ann Morgan, Director of Planning & Economic Development, and Ted Tetreault, Building Commissioner and Zoning Enforcement Officer; Staff Review: Special Permit Application; dated August 30, 2021; 8 pages.
- Zoning Board of Appeals Meeting Sign-In Sheet; September 7, 2021; 1 page.

